



Senate Bill No. 840

Public Act No. 21-24

AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM, THE CONNECTICUT SEAFOOD COUNCIL AND THE TAXATION OF CERTAIN UNDERWATER FARMLANDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 26-237a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

There is established within the Department of Agriculture a program to purchase and acquire shell or other cultch material for deposit on state shellfish beds. The program shall also include the purchase of management supplies, materials and spawn oyster stock. Pursuant to such program, the Commissioner of Agriculture may contract for the use of a shell recovery vessel to collect and deposit shell on shellfish beds. Additionally, under such program, the department may receive and deposit on shellfish beds cultch from oyster shell recycling programs administered or authorized by the department.

Sec. 2. Section 26-237b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) There is established and created a fund to be known as the "Shellfish Fund". The proceeds of any bonds authorized for the purpose

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of section 26-237a, as amended by this act, and any private, state or federal grants or direct funding received or awarded for the purposes of section 26-237a, as amended by this act, shall be deposited in the fund. Any balance remaining in said fund at the end of any fiscal year shall be carried forward in said fund for the fiscal year next succeeding.

(b) The fund shall be used by the Commissioner of Agriculture for the program established under section 26-237a, as amended by this act, including, but not limited to, the support of an oyster shell recycling program administered by the Department of Agriculture in partnership with any other person.

Sec. 3. Section 22-455 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) There is established a Connecticut Seafood [Advisory] Development Council to assist in the promotion of Connecticut seafood products and examine market opportunities. The development council shall be within the Department of Agriculture. The [advisory] development council shall consist of [one freshwater fish producer appointed by the Governor, two finfish, shellfish or lobster harvesters or representatives of harvester organizations appointed one each by the speaker and majority leader of the House of Representatives, two finfish, shellfish or lobster processors or representatives of processor organizations appointed one each by the minority leaders of the Senate and House of Representatives, one retailer serving restaurants or representing a restaurant organization appointed by the president pro tempore of the Senate, one member at-large appointed by the majority leader of the Senate, and four nonvoting members one of whom shall represent the Department of Energy and Environmental Protection, one the Department of Economic and Community Development and one the Department of Agriculture and one the Sea Grant Program at The University of Connecticut. The advisory council shall be within the Department of Agriculture.] the following thirteen members: (1) The

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Commissioner of Agriculture, or the commissioner's designee; (2) the Commissioner of Economic and Community Development, or the commissioner's designee; (3) the Commissioner of Energy and Environmental Protection, or the commissioner's designee; (4) the director of the Sea Grant Program at The University of Connecticut, or the director's designee; (5) one freshwater finfish producer appointed by the Governor; (6) one aquaculture finfish producer appointed by the speaker of the House of Representatives; (7) one commercial marine finfish harvester appointed by the majority leader of the House of Representatives; (8) one commercial lobster harvester appointed by the minority leader of the House of Representatives; (9) one shellfish wholesale dealer appointed by the Commissioner of Agriculture; (10) one representative of the Connecticut Restaurant Association; (11) one small-scale aquaculture producer appointed by the president pro tempore of the Senate; (12) one seaweed aquaculture producer appointed by the majority leader of the Senate; and (13) one shellfish harvester appointed by the minority leader of the Senate. The Commissioner of Agriculture, or the commissioner's designee, shall serve as the chairperson of the development council.

(b) The development council may receive state, federal and municipal funds and funds from any nonprofit or nongovernmental organization. Such funds may be expended as necessary to perform the development council's duties pursuant to this section. The development council may seek funding for and provide financial support to organizations for activities directly related to seafood production and any related products.

Sec. 4. Section 12-107b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021, and applicable to tax assessments on and after said date*):

When used in sections 12-107a to 12-107e, inclusive, and 12-107g:

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(1) The term "farm land" means any tract or tracts of land, including woodland and wasteland and any underwater farmlands used for aquaculture, constituting a farm unit;

(2) The term "forest land" means any tract or tracts of land aggregating twenty-five acres or more in area bearing tree growth that conforms to the forest stocking, distribution and condition standards established by the State Forester pursuant to subsection (a) of section 12-107d, and consisting of (A) one tract of land of twenty-five or more contiguous acres, which acres may be in contiguous municipalities, (B) two or more tracts of land aggregating twenty-five acres or more in which no single component tract shall consist of less than ten acres, or (C) any tract of land which is contiguous to a tract owned by the same owner and has been classified as forest land pursuant to this section;

(3) The term "open space land" means any area of land, including forest land, land designated as wetland under section 22a-30 and not excluding farm land, the preservation or restriction of the use of which would (A) maintain and enhance the conservation of natural or scenic resources, (B) protect natural streams or water supply, (C) promote conservation of soils, wetlands, beaches or tidal marshes, (D) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (E) enhance public recreation opportunities, (F) preserve historic sites, or (G) promote orderly urban or suburban development;

(4) The word "municipality" means any town, consolidated town and city, or consolidated town and borough;

(5) The term "planning commission" means a planning commission created pursuant to section 8-19;

(6) The term "plan of conservation and development" means a plan of development, including any amendment thereto, prepared or

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adopted pursuant to section 8-23;

(7) The term "certified forester" means a practitioner certified as a forester pursuant to section 23-65h; and

(8) The term "maritime heritage land" means that portion of waterfront real property owned by a licensed shellstock shipper, aquaculture operator or commercial lobster fisherman licensed pursuant to title 26, when such portion of such property is used by such shellstock shipper, aquaculture operator or fisherman for shellfishing, aquaculture or commercial lobstering purposes, provided in the tax year of the owner ending immediately prior to any assessment date with respect to which application is submitted pursuant to section 12-107g, not less than fifty per cent of the adjusted gross income of such shellstock shipper, aquaculture operator or fisherman, as determined for purposes of the federal income tax, is derived from commercial shellfishing, aquaculture or lobster fishing, subject to proof satisfactory to the assessor in the town in which such application is submitted. "Maritime heritage land" does not include buildings not used exclusively by such shellstock shipper, aquaculture operator or fisherman for commercial shellfishing, aquaculture or lobstering purposes.

Sec. 5. Section 26-250 of the general statutes is repealed. (*Effective October 1, 2021*)

Approved June 7, 2021